

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3538 OF 2007

Faujasingh Sardarsingh Kalyani. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Tejas Dande with Santosh Shinde for the applicant.

K.V.Saste, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 24th October 2007.

P.C.:

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. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in C.R.No.424/2007 registered with Wanawadi Police Station, Wanawadi, district- Pune for the offences punishable under sections 143, 145, 147, 148, 149, 323, 504, 324, 427, 307 of Indian Penal Code and section 37(1) read with section 135 of the Bombay Police Act on the basis of the complaint filed by one Bachhasingh Ishwarsingh Kalyani.

3. From the F.I.R., it appears that complainant

made a complaint that his children were playing pables outside his house. Some dispute arose between them. The complainant came out of his house to find out as to what was the matter about. At that time accused gathered and conspired with each other and assaulted father of the complainant by knife. Dangerous weapons like knife, sword and iron rods were used to cause injuries to the victim, details of which are to be found in the F.I.R. That is how complaint came to be lodged and registered.

4. There are eye witnesses to the incident. The injury certificate and recovery panchanama connect the present accused with the offence alleged against him. However, looking the age of the applicant i.e. 72 years and he being the head of the family, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with C.R.No.424/2007 registered with Wanawadi Police Station, he shall be released on bail of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to the

concerned Police Station as when called and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

5. Application stands disposed of accordingly.

**JUDGE**